D 7 33-99

G. R. S. IX-5]

Previous references. (1897-98).

191 .

(L. R)

File No. 66-97

Serial Nos. 1-6.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6

In ~~Part~~ B for March 1899

SUBJECT.

~~Grant of~~ refund of half the wet assessment on S. No. 66 for six years of Nallakunchi village.

W D 1250—GPB—30,000 28.

Mr Speaker Sir
1187

I am sorry the
reports do not fully
as will enable me
to give final
orders at once -

If Mr Madrat
might have dealt
with the matter
summarily with
the ocular knowledge
he derived from the
inspection of the land
but would
God understand
the real facts of
the case it is necessary
to obtain a fuller
& more exact des-
cription of the damage
caused & the cost
involved in repair
it - what is the
nature of the arrange-
ment between
the Govt
& persons whom
should also have
been stated in
fuller detail -

MLS

26/4/98 25/4/98
26/4/98

Subject

Dk-66-97-1

1898

1712

Name of Petitioner Narasimha

Village Belatur

Taluk Heggadadevanakote

District Mysore

Date of Arzi 29-10-97 but received in the office later

Date of Receipt 3-X-98 31/12/97

Date of Disposal

No. of Enclosure 2

1) Stamp on Petition

2) Petition time barred by 18 days the final order having been passed by DC court on 13/9/97

3) Appeal against DC court order declaring petitioner as trespasser as well as restraining petitioner from cutting trees and removing the same from the land in Sy No 66 and to have the boundaries of the land fixed by the Survey Authorities

4) Not accompanied by certified copies

5) The land in question is situated in Nanjangud Taluk. When the land is under the jurisdiction of Nanjangud Taluk Court the petitioner has to approach the Nanjangud Court under the provisions of the Land Revenue Code

6) Petitioner has not filed any Vakalath

7) Petitioner has not filed any Memorandum of Appeal

8) Petitioner has not filed any Order of the Court below

24.1.98

Defects are not removed even after the lapse of more than 2 months from the date of receipt of the letter

Dk 26/1/98 27/1/98 5/2/98

Abstract

By Commr's order No: 201 24-4-97 Petitioner was directed by me to the Amildar ... 4-97 ... your lands have been marked away in accordance of your own carelessness ... the encroachment to remain ... from the ... not shall be filled ... at your cost. The Government undertake ... ays for you - ... measurement made & the ... be the ... regarding the ... the matter will be considered on

your application

States that he owns survey
Nos: 65 & 66, each land bearing
15 cocoanuts assessed at 36-2-0
in Nakkawatte village and
on account of the overflow of
Yerakette land near the waterway
the fencing channel & his said
lands were washed away, rendering
his right for cultivation, that if
could have been exercised if
timely attention had been
bestowed on it, that the Salak
authorities have been refusing
from him the full assessment
that on requesting the D.C. Court
to refund the assessment unjustly
taken from him, the D.C. Court
has declined to comply with the request
as can be perused from his order
Nos: 202 of 24-4-97, nor arranged
to open another fencing channel
Nos: by

Prays that Equitable orders
may be passed on perusing
the records -

CK
17/1/98

Petitioner's application
2918/97. for refund
as well as the Revenue
also marked as the
of the land
by the petitioner, the
defined land

In the case the Petitioner
complains to the
Petitioner's
Petitioner's
Petitioner's

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO.
DATE

Rev 951 (2) 2-2-98

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT

Ph 6972

P

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 1712 dated 29-10-97

received at the Dewan's Office from

Narasimhacha of Belatur

village in the Hagalvadi

Kolar Taluk, appealing against

the order of the Deputy Commissioner

declining to grant refund of

rent realized on patta land S. No.

15 and 66 of Naikanahalli vill

is forwarded, together with its two enclosures, to the Deputy Commissioner of Kolar District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosures should be returned.

By order,

Chief Secretary.

BANGALORE,

2 Jan 1898.

28/1/98

1R 66-97-3

REVENUE DEPARTMENT
Gl. No. 7573
1897-98
Bdl 575
MYSORE
(3)

Serial No. 8/6 in the Ver. Records is
rough sketch of the petr's Lands
& the adjoining Lands
It shows that the petr's Lands are
intersected by a Scour & that the
Corporation is to irrigate the
portion lying to the left of the
Scour.
The Sub-Assistant Engineer's idea
is to extend the existing bund
B C E to D but to do this the
permission of Siddaphad Basappa
& owners is necessary & the compensation
if any has to be paid is estimated at
10 Rs
But the Ex Engr in his letter
to the Deputy Comr Stats that Complainants
in such cases is neither asked for
nor paid & finally the Asst Engr
Stated in his present report
that some amicable settlement
can be arrived at
for

Nothing is said about the
which seems to be a disturbing
element & to wash away a
portion of the petr's Lands when
the Hiraie Halla overflows
Subd to 2nd Grade Asst
My 23/4/98.

Rejd
23/4/98.

The Deputy Commissioner
of The
Mysore District.

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 13th
Despatched April 1898
Received

Enclosures No. Petn
1 & 2 in
Plan

General No. 1187.

Reporting upon the petition
of Narasimhachar of Siddaiya
Hadage in the Nuggadaveranapura
Hunsur Taluk.

Petitioner
18/4/98

Rejd petn
AK
19/4/98

Subd
MG
20/4/98

No. 1187

Enclosures No. 3 & Records.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Bangalore, 13th April 1898.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

Adverting to your official memorandum no: Rev 957 dated 1st February 1898 forwarding for report a petition from Narasimhachar of Ostalur village in the Heggadadevan-kote Taluk appealing against this office order declining to grant refund of assessment on petitioner's lands Survey nos: 65 and 66 of Nikkanamini village, I have the honor to submit herewith as per accompanying Extract the records bearing on the subject and to state as follows. —

2 The Petitioner complained to this office that his lands in question had been lying fallow since the year Vijaya (1893-94) owing to the channel (Kalve) used for getting the same having been encroached into

into deep ravine by overflow of waters from the Yeretane tank of Holehundi village consequent on the breach of the western bund thereof and he claimed a refund of the assessment recovered from him on the lands for the period during which he could not cultivate them as also the restoration of his supply channel at Government cost.

3 Mr. C. Madiah, Deputy Commissioner, after a personal inspection of the lands rejected the claim and granted an endorsement to the petitioner informing the latter that the damage complained of was due to the petitioner's negligence and that the same could not be repaired at the cost of Government.

4 The petitioner has appealed to Government against this order.

5 The Executive Engineer Mysore Division suggests as a feasible arrangement the irrigation of the petitioner's lands by means of a kirkal channel taken

taken through certain private fields but the arrangement is one which requires the consent of the parties concerned. The matter will however be enquired into with a view to bring about an amicable settlement if possible.

6 The Enclosures of your memorandum under reply are herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant

[illegible]
Offg Deputy Commissr
Mysore District

Comd'd.
ukr

LR 66-97-

Subd 15 Th Councillor

MK

21.1.99. The DC com^r has submitted his former opinion & recommends remission of ½ the assessment on S No 66 but-ext. of Rs 15

28/1/99.

RD 7.2.99

The suggestion of the DC com^r may be accepted & sanctioned that is refunded remission of ½ assessment 17.2.99

66 for 1897-98 & repair all damages

Rec. Dec^d 23.2.99.

Dft Ent^d & put up MK 24/4/99

REVENUE DEPARTMENT
No. 4354
19 JAN 1899
Rept 264
REVENUE OFFICE

(5)

1898-99

From

The Deputy Commissioner

Mysore District.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 12 January 99
Despatched
Received

Enclosures No. Plan & Rep.

General No. 623-

Reporting on the petition of Narasimhachar of Belatoor village, Heggadevankote Taluq

Rec^d 19.1.99

D-I-Dec^d

Dft Regs

11-1-99

Reg^r Letter

21/1/99

No. 628

Enclosures No. file of records.

OFFICE OF THE Dy Commr
MYSORE DISTRICT,

Dated 12 January 1899

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

Adverting to Government Orders

dings No 10420 dated 29th April 1898, calling for
Pet 1338
further report on the petition of Narasimhachar
of Belatoor village, Heggaddevankote Taluk, appealing
against this office order declining to grant refund of
wet assessment on petitioner's lands, Survey Nos
65 and 66 of Naikanahundi village, I have the
honor to submit herewith as per accompanying
first a file of records, ending with the Amildar's
report No 234 dated 27th December 1898 on the subject.

2. It will be seen from the sketch (marked No 66),
attached to the file, that the petitioner's lands survey
Nos 65 and 66 are situated to the South West of the
Holehundi tank which seems to have breached in
Khara (1891-92). The water course (marked (1), (2)).
which used to irrigate his lands has been cut up

into a halla by the overflow of water from the
reached tank. The width of this halla is reported
to be 10½ yards and the cost of repairing the damage
, estimated at Rs 150 - 200 which the petitioner is
stated to be too poor to afford.

Seenappa and Dasé gowda holders of the
adjoining lands, survey Nos 31 and 32, appear to
have at their own expense repaired the damaged
water course to the North of their holdings, and if the
petitioner had taken timely precautions he could
have restored his portion of the Kalvé at a small
cost. He has by his own neglect allowed the water
Course to become almost irreparable.

4. The Executive Engineer suggested the
grant of a kikkal channel to the petitioner
through survey Nos 31 and 32 but the owners do
not consent to the same, being apprehensive
that such a water course might damage their
holdings.

5. The 1st Assistant Commissioner reports
that the petitioner's land, survey No 66, can be irri-
-gated by means of a pipe or aqueduct through
across

across the halla referred to above, between Survey
Nos 65 and 66 that the levels are found to be feasible
and that the cost of putting up an acqueduct —
could not be much, being about 40 or 50 Rupees as
estimated by the Amildar.

6. The above being the cheapest method, it
can well be adopted by the petitioner for the irri-
gation of his land, Survey No 66, and Government
interference in the matter seems unnecessary.

7. I would, however, in consideration of
the fact that the damage complained of by the
petitioner was partly due to the breach of a Govt
tank, beg to recommend the remission or refund
(as the case may be) of half assessment on his land
Survey No 66 for six years from Vijaya (1893-94)
to Vilambi (1898-99) during which period the land
is reported to have lain fallow. The amount of
such remission or refund would be about Rs 75/-
The petitioner will of course have to restore the —
water course and pay full assessment on his
land from Vikari (1899-1900).

8. The petitioner cannot claim any concession

in respect of his land Survey No 65 which is also reported to have lain fallow during the above period as the overflow of water from the breached tank did not prevent him from cultivating the same. According to his own admission there is a manmool kittal channel (marked 5 on the sketch) existing on this land and it could have easily been used to irrigate the same. He has not given any satisfactory explanation for his omission to avail himself of the said means of irrigation at his disposal. He simply says that the channel cut up by the overflow of water from the tank irrigated Survey No 65 and 66 and that as he wished to take water for both from the same channel he did not resort to the kittal referred to for the cultivation of Survey No 65.

Reply before Kacheri 27/12/96 (the penultimate paper in the V file)

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner

Mysore dist

(7) Draft

GOVERNMENT OF MYSORE

LR66-97-5

Proceedings of the Court of Nagar.

Read

Petition No. 1712 dated 29th October 1897 received from the Narasimhachar of Belalur village in the ~~Heggadadevankote~~ Taluk, appealing against the order of the Dy. Comr. ~~Nagar~~ Dt., declining to grant refund of wet assessment on the lands S. Nos. 65 and 66 of Naikanhundi village and to have the ruts caused by the overflow of the tank filled up at Government cost.

2. Correspondence ending with the letter No. 628 dated 12th January 1899, from the Dy. Comr., Nagar Dt., reporting on the above and stating that the refund of half assessment on S. No. 66 for the year from Vijaya (1893-94)

15

to Vikarbi (1898-99) during which period the land was fallow, may be remitted in consideration of the fact that the damage complained of by pet^r was partly due to the breach of a Govt bank, that pet^r should be asked to restore the water course at his own cost and levy full assessment on the said land from Vikarbi (1899-1900) and that no concession should be shown to pet^r in respect of land S. No 65, as the overflow of water from the breached bank did not prevent him from cultivating it. And As there is a Separate Memorial for Irrigation

3. The records of the case

Order Memo. No 622 P. 711 of 4.3.99.

Govt are pleased to sanction the refund of half assessment on S. No 66 for six years as recommended by the Dy Comr. The pet^r should repair the bank and all damage s himself. The request of pet^r in respect of S. No 65 cannot be acceded to

By order

for Secretary

To. The Dy Comr, Nasik with reference to his letter No. [illegible] dated 9-2-99 and P. No. 217

4-3-99

"By order

for Secy"

III 4/2/11